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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,863	08/13/2001	Gary W. Rush	P00510-US-1 (12178.0001)	7869
7590	04/19/2005		EXAMINER	
James D. Wood ICE MILLER One American Square Box 82001 Indianapolis, IN 46282-0002			HAILU, TADESSE	
			ART UNIT	PAPER NUMBER
			2173	
DATE MAILED: 04/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/928,863

Applicant(s)

RUSH ET AL.

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-7 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 2,3,6,7,11 and 12 is/are allowed.
- 6) ☒ Claim(s) 4 and 5 is/are rejected.
- 7) ☐ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/15/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to the AMEDMENT entered on November 15, 2004 for the patent application (09/928,863) filed on August 13, 2001.
2. In view of further analyzing reference of record (Barry et al) and the new reference found (Watsuzaki et al) , PROSECUTION IS HEREBY REOPENED.

### ***Priority***

3. The patent application claims priority from domestic US Application 60/105,287 filed on October 22, 1998.

### ***Information Disclosure Statement***

4. Again, the same information disclosure statement filed 12/18/2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the submitted non patent documents under indices BQ, BR, BS, CP, and CQ do not disclose publication dates. The information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C (1).

### ***Specification***

5. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink, <http://interactive.wsj.com/home.html>, on page 4, lines 13. Due to the dynamic

nature of the WWW, URL is not a consistent source for relevant information. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

***Pending claims***

6. Claims 1, and 8-9 are canceled by the Applicant, and the pending claims 2-7, 10-12 are examined herein as follows.

***Claim Objections***

7. Claim 10 is objected to because of the following informalities: claim 10 is improper because the preamble of the claim is directed to a method claim, but the body of the claim comprises a means plus function limitations, which may be categorized under a machine or manufacture claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper form. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Barry et al (US Pat No 6,615,258).

**The present invention** relates to a system and method for end-to-end transaction processing and statusing for procurement of goods and/or services in a network based environment. Likewise, **Barry** relates to a system and method for providing data management services over the Internet. Thus, Barry discloses a comprehensive system that provides customers with simplified access to a data management relating to products and/or services provided by an enterprise. Similarly, after further reviewing, Barry anticipates claim 4 as follow.

With regard to claim 4:

Barry discloses an integrated data management system for providing one or more data management services from an enterprise (e.g. manufacturing industries, column 2, line 41) comprising over the Internet to a customer having a workstation at a customer site. Barry also discloses a system for communication, exchanging (or passing) information between the enterprise and the consumer.

The system of Barry discloses a customer interface for passing communications to and from a customer (e.g. Fig. 7, column 3, lines 42-63).

The system of Barry also discloses an application server in communication with said customer interface comprising an application level protocol for receiving customer communications from the customer interface and, in response to said customer

communication, generating a message (column 13, lines 64-col 4, lines 2). Barry also describes that the application server comprises a means for accepting from a customer, customer specific criteria for a make to order item (column 46, lines 31-60, see also claims 7 and 38 of Barry's).

The system of Barry also discloses a client interface in communication with said application server for passing messages to and from said application server (e.g. Fig. 7, column 4, lines 3-14).

The system of Barry further discloses a remote back-office database server coupled to said client interface, the back-office database server providing access to data that is desired by the customer (column 4, lines 3-14). Barry further discloses that the back office database server comprises a means for accessing data used by an enterprise resource planning program (column 7, lines 10-13, column 10, lines 14-26), also see claim 23 of Barry's).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al (US Pat No 6,615,258) in view of Matsuzaki et al (5,357,439).

With regard to claim 5:

Barry discloses an integrated data management system for providing one or more data management services from an enterprise (e.g. manufacturing industries, column 2, line 41) comprising over the Internet to a customer having a workstation at a customer site. Barry also discloses a system for communication, exchanging (or passing) information between the enterprise and the consumer.

The system of Barry discloses a customer interface for passing communications to and from a customer (e.g. Fig. 7, column 3, lines 42-63).

The system of Barry also discloses an application server in communication with said customer interface comprising an application level protocol for receiving customer communications from the customer interface and, in response to said customer communication, generating a message (column 13, lines 64-col 4, lines 2). Barry also describes that the application server comprises a means for accepting from a customer, customer specific criteria for a make to order item (column 46, lines 31-60, see also claims 7 and 38 of Barry's).

The system of Barry also discloses a client interface in communication with said application server for passing messages to and from said application server (e.g. Fig. 7, column 4, lines 3-14).

The system of Barry further discloses a remote back-office database server coupled to said client interface, the back-office database server providing access to data that is desired by the customer (column 4, lines 3-14). Barry further discloses that the back office database server comprises a means for accessing data used by an

enterprise resource planning program (column 7, lines 10-13, column 10, lines 14-26), also see claim 23 of Barry's).

But Barry does not disclose a computer assisted drawing program (CAD).

However, Matsuzaki et al discloses a manufacturing system, which accepts a custom order of product from a customer and custom, manufactures a product without sacrificing manufacturing efficiency. The manufacturing system further comprises a designing department includes a concept design CAD system 5 and a detail design CAD system 17 (See Fig. 1).

Barry and Matsuzaki are analogous art because they are from the same field of endeavor, transaction and/or data management service.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the CAD of Matsuzaki with Barry because Barry's data management service will be able to design a product according to each customer's specification and will be able to manufacture as efficiently as possible (Matsuzaki, column 1, lines 29-45, column 2, lines 59-column 3, lines 6).

Therefore, it would have been obvious to combine Barry with Matsuzaki to obtain the invention as specified in claim 5.

***Allowable Subject Matter***

10. Claims 2, 3, 6, 7, 11, 12 are allowed.

The following is an examiner's statement of reasons for allowance: as previously indicated the prior art of records fails to teach the combination of claim elements at least including a system means for relating the plurality of business documents according to a



previously established progression, the previously established progression defining the relationships between different types of business documents as they are encountered in a typical business environment and defining allowed navigation paths between the plurality of business documents. The prior art of records further fails to teach the combination of claim elements at least including a system comprising a tree structure having at least at least two levels in the same branch comprise at least one document type node and at least one document instance node, the document type nodes in at least two different levels in the same tree branch identify different types of business documents, each document instance node is: immediately subordinate to a document type node, associated with a representation of the same type of business document as a document instance node in the same level of the same branch, and associated with a representation of a business document that is related to a representation of a business document associated with a document instance node in another level in the same branch as claimed in independent claim 2.

The prior art of records also fails to teach the combination of claim elements at least including providing access to representations of at least a first and a second business document of differing types through the back-office database server, said representations being related by a common key; displaying, for the representations of the at least first and second business documents, a dominant reference and a subordinate reference to the representations of the at least first and second business documents in a manner that shows the dominant-subordinate relationship between the two references as claimed in independent claim 11.

The prior art of records fails to teach the combination of claim elements including at least in part processing a request for information from a customer, including generating extensible markup language document, passing the extensible markup language document to a selector component, processing header information on the extensible markup language document, and passing the extensible markup language document to an adapter component as claimed in independent claim 12.

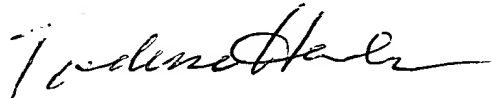
11. Claim 10 recites similar features as recited in the allowed claim 2, thus, Claim 10 would be allowable if rewritten or amended to overcome the Claim Objection, set forth in this Office action.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeza, can be reached at (571) 272-4048 Art Unit 2173.

13. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu



4/14/05